

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America

Crim. No. 4:08-cr-00964-TLW-1

v.

Order

Daniel Ray Buie

Before the Court is Defendant Daniel Ray Buie's motion for reconsideration of the Court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2), which was brought about by Amendment 782 to the sentencing guidelines. The Court's order, ECF No. 223, denied his motion for a sentence reduction because he was sentenced as a career offender, and thus the Chapter Four enhancements overrode the Chapter Two calculations. The Court has carefully reviewed the motion for reconsideration and concludes that he has not set forth sufficient grounds to cause the Court to alter or amend its prior order.

A Rule 59(e) motion may only be granted "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice. It is an extraordinary remedy that should be applied sparingly." *Mayfield v. Nat'l Ass'n for Stock Car Auto Racing, Inc.*, 674 F.3d 369, 378 (4th Cir. 2012) (citations omitted).

The basis of Defendant's motion is not entirely clear, but he appears to be arguing that he is entitled to relief based on Amendment 780, which had the effect of removing the mandatory minimum from consideration for any defendant who received a substantial assistance reduction. That amendment has no relevance to the Court's prior order, which denied his motion for a sentence reduction because he was classified as a career offender and the career offender enhancement overrode the drug weight calculations in Chapter Two of the guidelines.

The Court has carefully reviewed Petitioner's motion and concludes that he has not set forth sufficient grounds to cause the Court to alter or amend its prior order for the reasons set forth in that order. Accordingly, his motion for reconsideration, ECF No. 225, is **DENIED**.

IT IS SO ORDERED.

s/ Terry L. Wooten _____

Terry L. Wooten

Chief United States District Judge

August 17, 2016
Columbia, South Carolina